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A PROFESSIONAL CORPORATION  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE  
NORTHERN CALIFORNIA FLOOR, et al.

Case No. C 07 3207 JL

**Plaintiffs,**

vs.

## BEVIL'S FLOOR SERVICE, etc.,

**Defendant.**

DECLARATION OF MICHAEL J.  
CARROLL IN SUPPORT OF  
MOTION FOR DEFAULT  
JUDGMENT

I, MICHAEL J. CARROLL, declare:

1. I am duly admitted to practice law before all of the courts of the State of California and in the United States District Court, Northern District of California. I am one of the attorneys for plaintiffs in this action. I have personal knowledge of the facts stated herein and if called as a witness, I could and would competently testify as follows:

2. Plaintiffs have incurred costs in the amount of \$500.00 in the prosecution of this action. This figure consists of the following items:

- a. The filing fee of \$350.00;
- b. The cost to effect service of the Summons and Complaint and other documents from the initial filing of this case in the amount of \$150.00, which I have paid.

Attached hereto and marked Exhibit 6 is the invoice for item b. above in the amount of \$150.00.

1           3. This office first commenced work on the delinquencies of this defendant in  
2 April 2007 under the delinquency procedures established by the trust fund. Attached hereto and  
3 marked Exhibit 5 are true and correct copies of the demand letter sent to defendant by my office  
4 giving defendant notice of alleged delinquent payments prior to the filing of this action and the  
5 Trust Fund's demand letter sent do defendant giving notice of an additional delinquent payment.

6           4. This legal action was filed on June 18, 2007. Defendant failed to appear and the  
7 default of defendant was entered by this Court on December 13, 2007. The Court's jurisdiction  
8 is founded on 29 U.S.C. § 185(a) and 29 U.S.C. 1132.

9           5. Declarant has expended in excess of 4 hours in the prosecution of this action,  
10 including the preparation of the four Ex Parte Applications to Continue Case Management  
11 Conferences with Supporting Declaration and Proposed Order, Motion for Entry of Default with  
12 Supporting Declaration and this motion. Erskine & Tulley's billing rate in this matter is \$185.00  
13 per hour for a total of \$740.00.

14           6. Attached to the Declaration of Rose Cortez and marked Exhibit 2 is a true and  
15 correct copy of the Trust Agreement which provides for attorneys fees (Article II, Section 12,  
16 page 7), an award of which is mandatory pursuant to 29 U.S.C. 1132(g).

17           I declare under penalty of perjury that the foregoing is true and correct.

18           Executed on May 13, 2008, at San Francisco, California.

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21           /s/ Michael J. Carroll  
22           Michael J. Carroll  
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